

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 17 2018

MATTHEW J. DYKMAN
CLERK

Curry; Steven Duane ©
 Full Name/Prisoner Number
OCDC C-101 # 38970
1958 Dr. Martin Luther King Dr.
 Complete Mailing Address
Alamogordo, NM (88310)

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO**

Civil Action No. 2:17-cv-01079 RB-GJF
 (To be supplied by the Court)

CURRY; STEVEN DUANE ©, Plaintiff(s),
 Full name(s) and prisoner number(s)
 (Do not use *et al.*)

v.

DAVID J. Hunter (STATE ACTOR); DAVID SANCHEZ (STATE ACTOR);
ROXANNA B. ESQUIBEL, Esq. (Actor); JOHANNA VARRADINO (Actor) Defendant(s).
 (Do not use *et al.*)

PRISONER'S CIVIL RIGHTS COMPLAINT

A. PARTIES AND JURISDICTION

1. Curry; Steven Duane is a citizen of New Mexico who
 (Plaintiff) NON-US Domestic (State)
 presently resides at OCDC C-101 # 38970 1958 Dr. MLK Drive, Alamogordo, NM
 (mailing address or place of confinement) 88310
2. Defendant DAVID J. Hunter is a citizen of NEW Mexico
 (name of first defendant) (State)
 whose address is 1000 New York Ave. Alamogordo, NM 88310.
 and who is employed as DISTRICT ATTORNEY INVESTIGATOR At the time the claim(s)
 (title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

Hunter was not in possession of a valid, legitimate, binding, or enforceable
arrest warrant, his Oath of Office, his Bond, a Certificate of Liability,
a Badge, or an ID; all of which were required under the
IV Amendment prohibitions & constraints! In absence of these
REQUIREMENTS, HUNTER WAS operating in his private capacity & well
outside of his official-State capacity! [See "A. PARTIES" Addendum]

3. Defendant DAVID SANCHEZ - Deputy is a citizen of NEW MEXICO
(name of second defendant) (State)

whose address is Alamo County Sheriff's Dept., 3208 N. White Sands Blvd. Alamogordo
NM 88310

and who is employed as Alamo County Sheriff's Dept. At the time the claim(s)
(title and place of employment)

alleged in this complaint arose, was this defendant acting under color of state law?

☒ Yes ☐ No. If your answer is "Yes," briefly explain:

Sanchez, like Hunter, was Not in possession of a valid, legitimate arrest warrant, his oath of Office & all required Bona fides under the IV Amendment, protocols

(If more space is needed to furnish the above information for additional defendants, continue on a blank sheet which you should label "A. PARTIES." Be sure to include each defendant's complete address and title.)

SEE ADDITIONAL INFORMATION UNDER Attached A. Parties

(CHECK ONE OR BOTH:)

Jurisdiction is asserted pursuant to 42 U.S.C. § 1983 (for state defendants) or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) and 28 U.S.C. § 1331 (for federal defendants).

Jurisdiction also is invoked pursuant to 28 U.S.C. § 1343(a)(3). (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)

Pursuant Public Law 90-722, which was found to be unratified, the question of jurisdiction is pending, if not moot!

B. NATURE OF THE CASE

BRIEFLY state the background of your case. As a scientist & researcher, and as a protected crime victim, witness, and informant under 18 USC 3771 for the SEC, IRS, the FBI, and the VA, I was investigating mortgage-lending fraud in Alamo County, when David J. Hunter, allegedly investigating my use of Veterans' Suburban Service Checks, arrived on my private property to provoke & instigate my violating a law, statute, or rule, and to serve an out-of-state warrant he did not have in his possession as required under the IV Amendment.

C. CAUSE OF ACTION

I allege that the following of my constitutional rights, privileges, or immunities have been violated and that the following facts form the basis of my allegations: (If more space is needed to explain any allegation or to list additional supporting facts, continue on a blank sheet which you should label "D. CAUSE OF ACTION.")

Claim I: State Actor's Hunter, Sanchez, James Walsh, Roxanna B. Esquivel, and her sister, Joanna Varradarelo, have conspired & colluded amongst themselves to deny, derail, subvert, usurp, convert, and obstruct my natural, unalienable, Commercial & Constitutional Rights under the Color of Law, and in violation of Amendments I, II, IV, V, VI, VII, VIII, IX, X, XI, and the Original & Organic (Pre-1871) XIII Amendment!
SEE ADDITIONAL INFO IN ADDENDUM.

Supporting Facts: (Include all facts you consider important, including names of persons involved, places, and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

See Attached "Addendum" and cause for dismissal of Action, as State, nor its officials are Persons subject to Suit, nor can they bring suit! - McLaughlin

Claim II: As a protected Crime Victim, Witness, & Informant, I was absolutely protected & immune from the aggravated First Degree Assault & Battery by Hunter, Sanchez, and other unknown State actors!

Supporting Facts:

1. I have been a researcher, crime victim, witness, and informant under 18 USC 3771 against several major criminal enterprises including the International Meteorite Collector's Association (IMCA); County Technical Services, Inc (CTS); Freedom Mortgage Company; Wells Fargo, UBS, MERS CORPORATION, and the ABA & IBA.

2. My reports of fraud have the SEC, IRS, FCPB, and the VA to file suits against Freedom Mortgage & others, and my work has seriously impacted the illegal exportation of Meteorites out of the Saharan deserts, which had been the conduit for money laundering for Al Qaeda, ISIS, & ISIL operations in Northern Africa!

3. As a two-time Vietnam Combat Veteran, I took an oath to protect my Country against all enemies, both foreign & domestic, and my oath was for life, as demonstrated by Whistle Blowing & Fraud stopping campaigns, and by my Lifetime Membership with the VFW!!

4. By my resolve & by my convictions, I am immune from acts of reprisal & retaliation³ by any State Actors choosing to operate outside their official state capacities and in their private capacities & under their personal liabilities!

Claim III: *As the only injured party to the incident of 22 Sept. and having sustained further injury & suffering from my father's arrest and wrong full captivity, I am entitled to full relief & remedy available under the law!*

Supporting Facts:

My injuries were physical, mental, emotional, and violation of my natural, unalienable, commercial & constitutional rights! The state, nor the actors for the state, can allege injury, as the state is a fiction, a corporation, and an artificial entity! As Mr. Brack stated, the state is not a person, or a suable entity!

[SEE ADDENDUM]

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment? Yes ☒ No. If your answer is "Yes," describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits using this same format on a blank sheet which you should label "E. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF.")

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Name and location of court and docket number _____

c. Disposition of lawsuit. (For example, was the case dismissed? Was it appealed? Is it still pending?)

d. Issues raised: _____

e. Approximate date of filing lawsuit: _____

f. Approximate date of disposition: _____

2. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part D. Yes ☒ No.

If your answer is "Yes," briefly describe how relief was sought and the results.

3. I have exhausted available administrative remedies. Yes ☒ No. If your answer is "Yes," briefly explain the steps taken. Attach proof of exhaustion. If your answer is "No," briefly explain why administrative remedies were not exhausted.

The Law considers this US District Court to be administrative & ministerial! I have not, then, exhausted my administrative remedies, as I expect this court to grant both relief & remedy as required under law!

E. PREVIOUSLY DISMISSED ACTIONS OR APPEALS

1. If you are proceeding under 28 U.S.C. § 1915, please list each civil action or appeal you have brought in a court of the United States while you were incarcerated or detained in any facility that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Please describe each civil action or appeal. If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a blank sheet which you should label "F. PREVIOUSLY DISMISSED ACTIONS OR APPEALS."

a. Parties to previous lawsuit:

Plaintiff(s): Curry

Defendant(s): STATE OF NEW MEXICO

b. Name and location of court and docket number US DISTRICT COURT OF NEW MEXICO

c. Grounds for dismissal: () frivolous () malicious (X) failure to state a claim upon which relief may be granted.

d. Approximate date of filing lawsuit: 10/30/2017

e. Approximate date of disposition: 1/8/2018

2. Are you in imminent danger of serious physical injury? ☒ Yes ☐ No. If your answer is "Yes," please describe the facts in detail below without citing legal authority or argument.

I am under constant threat of injury while incarcerated giving the custodians, jailers, and medical staff all work for the judiciary, aka ABA, and State Bar Associations, who I have been reporting on. There have been several Confidential Informants planted in the cell block since my arrest!

G. REQUEST FOR RELIEF

I request the following relief: As a protected witness & informant against Hunter, Esquivel, and Varracando, under 18 USC 3771, and as the only genuine injured party to the 22 Sept. incident and having been assaulted, beaten, falsely arrested, and wrongfully imprisoned, I demand my immediate release, and that I be awarded \$1086.00 per minute for each minute I have suffered back to David J. Hunter's & David Sanchez's criminal trespass upon my private property, as in 1830 hours on 22 Sept. to the time of my release!! This Court is obligated under 18 USC 3771 to protect & safeguard my life & properties & freedoms & pursuits!!

Prisoner's Original Signature

I am my own
Attorney-in-fact
as filed with the
New Mexico SOS.

Public Defender; AKA "Legal Advisor"
Jonathan Miller
P.O. Box
Albuquerque, NM

Original signature of attorney (if any)

Cheryl; Juan Duane ©
OCDC C-101 #38970

Alamogordo, NM [88310]
Attorney's full address and telephone

970-316-1361

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he/she is the plaintiff in the above action, that he/she has read the above complaint and that the information contained in the complaint is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed at OCDC 1958 Dr. MLK Drive on JAN. 10, 2018
(location) Alamogordo, NM (date)

Cheryl; Juan Duane ©
Prisoner's Original Signature

Mr. Brack: Please let me know of any further defects that I need to remedy. Otherwise, I will expect you to order the dismissal of the Statute case as neither the State or Hunter are 'Persons' under 1983, where they are not suable entities, and nor can they bring suit under the XI Amendment, and thus the Statute case must be dismissed with great prejudice!

Thank you, in Advance, Sir!
Juan

Addendum

A. PARTIES AND JURISDICTION:

Both Hunter & Sanchez, and other State Actors unknown, were acting under color of state law and well outside of their official capacities.

According to *McLaughlin v. Bd of Trs*, 215 F.3d 1168, 1172 (10th Cir. 2000) "the State of New Mexico, or Hunter 'are not 'persons' subject to suit," and nor can they bring suit!" "Neither the State nor its officials acting in their official capacities are 'persons' under Section 1983."

Under *Pfeiffer v. Hartford* "prosecutor David Hunter is absolutely immune from suit for actions "taken in connection with the judicial process," including initiating a prosecution and presenting the State's case!"

Summary: Having chosen to operate in his private capacity, Hunter has surrendered his rights, his defenses, and his alleged governmental immunities, and he was forbidden to bring suit, as he is not a 'person'. His case at the State District court is without merit and must be dismissed with prejudice! As a judicial officer, Hunter does not have governmental immunity, because he is not a government officer or public servant [See HB 1162-Colo.] - As a judicial officer, Hunter is prohibited from bringing suit under the XI Amendment, as is a citizen & subject of a foreign power.

Curry; Steven Duane

OCD #38970

Alamo grande, NM [88310]

URGENT!
CRITICAL MAIL
LEGAL
Please Expedite
Please Delivery!

EL PASO TX 799

RECEIVED

12 JAN 2018 11:11 AM



JAN 17 2018

DETENTION CENTER

INMATE CORRESPONDENCE

MATTHEW J. DYKMAN

CLERK

To: Robert C. Brack; US District Court
c/o Matthew J. Dykman
Clerk of Court
US Federal District Court, Rm 270
Albuquerque, NM 87102

333 LOWAS

Federal Case No. 2:17-cv-01079-RB-GJF

